

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	Criminal No. 04-10217-GAO
v.)	
)	
DARREN F. WILDER)	
_____)	

JOINT MOTION TO CONTINUE TRIAL AND EXCLUDE TIME

The parties respectfully move that this Honorable Court continue the trial previously scheduled in the above captioned case for a period of not less than 90 days in order to complete the discovery process and exclude the correlating time period under the Speedy Trial Act. In support of this motion, the parties aver as follows:

1. On July 21, 2004, Defendant, Darren F. Wilder was indicted on three counts including the transportation, receipt and possession of child pornography.
2. Trial is currently scheduled for December 5, 2005 and a pretrial conference is scheduled for November 22, 2005.
3. On September 9, 2005, Defendant filed a motion to produce discovery, specifically seeking to be provided with a mirror image copy of the computer hard drives seized from his residence.

4. On October 19, 2005, the Government filed a motion in opposition to Defendant's request and requested a protective order. This Court has not yet ruled on the respective motions.

5. Regardless of the Court's ruling on the Defendant's request for a mirror copy of the hard-drive and the Government's opposition to that request, the Defendant will require a reasonable amount of time to review the volume of forensic evidence in this case.

6. Both parties agree that in the interest of justice, the matter should be continued for a minimum period of 90 days in order to complete the discovery process, which substantially involves computer evidence.

6. Both parties also agree and respectfully move this court to exclude the time from November 14, 2004 to the date of trial from calculation under the Speedy Trial Act in the above-captioned matter. It is the parties' understanding that the time through November 14, 2004 has already been excluded. As grounds for this request, the parties submit that the requested exclusion is in the interests of justice.

Respectfully submitted,

MICHAEL J. SULLIVAN

United States Attorney

DARREN F. WILDER
Defendant

By His Attorney

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